

REMARKS

Claim 1 is pending in the application and has been amended. Applicant respectfully requests reconsideration.

DOUBLE PATENTING

The Office Action provisionally rejected claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 5-11 of copending Application No. 12/123620. Applicant is concurrently filing a Terminal Disclaimer.

CLAIM REJECTIONS UNDER 35 USC §112

The Office Action rejected claim 1 under 35 USC 112, second paragraph, as being indefinite. The indefiniteness has been corrected by amendment.

CLAIM REJECTIONS UNDER 35 USC §101

The Office Action rejected claim 1 under 35 USC 101 as being directed to non-statutory subject matter. The Office Action contends that the “electronic device appears to be reasonably interpreted by one of ordinary skill in the art as software, per se.” Applicant respectfully disagrees; the use of the words “electronic” and “device” eliminate the Examiner’s interpretation as a reasonable interpretation. The correct interpretation of the term “electronic device” must consider its ordinary meaning. *Teleflex, Inc. v. Ficoso N. Am. Corp.*, 299 F.3d 1313, 1325, 63 USPQ2d 1374, 1380 (Fed. Cir. 2002). The Court of Appeals for the Federal

Circuit has said: “[O]ur precedents show that dictionary definitions may establish a claim term’s ordinary meaning.” *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1365, 62 USPQ2d 1658, 1662 (Fed. Cir. 2002). The term “electronic” is defined as: “The use of electricity in intelligence-bearing devices, such as radios, TVs, instruments, computers and telecommunications.” See *Freedman, Computer Desktop Encyclopedia*, 9th Edition, Osborne/McGraw-Hill (2001). The term “device” is defined as “Any electronic or electromechanical machine or component from a transistor to a disk drive. **The term ‘device’ always refers to hardware, never to software.**” *Id.* (emphasis added). Moreover, claim 1 has been amended to include a hardware central processing unit. Support is found at paragraph [0071] of Applicant’s specification as published in Pub. No. 2006/0101422 A1. Therefore, claim 1 is clearly directed to a machine and not directed to unpatentable subject matter and the rejection should be withdrawn.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claim 1 under 35 USC 103(a), as being unpatentable over Maciel (US 20020095471) in view of Sheard et al (US 6453356), and further in view of Vaha Sipila et al. (US 20010054092).

Claim 1 as amended requires a hardware central processor unit. See paragraph [0071] of the Specification as published in Pub. No. 2006/0101422 A1. Maciel does not disclose a central processor unit as claimed. The element identified by the Office Action as the processor

is identified as kernel 120 in Maciel. A kernel is not the same thing as a central processor unit. Claim 1 was amended to require that the method call is generated in response to an input action and wherein said method call is an application-readable instruction causing a change to the application data and causing the change to be made to the copy of the application data. The limitation added by this amendment is neither taught nor suggested by the combination of references cited in the Office Action.

In addition, claim 1 requires an interface for transmitting messages to a second [previously another] electronic device. Maciel does not disclose this element. Instead the Office Action cites the library 250 for this element. However, a library is not the same or equivalent to a communication interface and Maciel says nothing about transmitting to a second device as claimed in claim 1.

Claim 1 further requires that a second [another] electronic device comprises a copy of the application data. Maciel does not teach anything about a copy of the application data. Paragraph [0044] of Maciel says nothing about application 206 being a copy of any other data. Applicant hereby traverses, pursuant to MPEP 2144.03, the Examiner's statement regarding it being well known to include a central control unit in an electronic device and demands documentary support of this statement.

Claim 1 further requires that the application data represents the state of the application. The Office Action contends that Maciel teaches this limitation. Applicant respectfully traverses this and in support states that "the transfer of operation completion" is not the same as the application data.

Claim 1 further requires that the method call is generated in response to an input action. The Office Action misquotes the claim language as “said method call is an input action.” Maciel does not discuss a method call that is generated in response to an input action.

The Office Action admits that Maciel does not disclose a synchronization entity as claimed but instead contends that a further combination of Sheard and Vaha teaches this element.

Claim 1 has been amended to require that the description of the method call be in a higher level language than the method call. The limitation added is not taught or suggested by the cited combination of references.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, including any petition for extension of time fees under §1.17, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

/Michael J. Buchenhorner/

Michael J. Buchenhorner
Reg. No. 33,162

Date: July 6, 2009

Michael Buchenhorner, P.A.
8540 S.W. 83 Street
Miami, Florida 33143
(305) 273-8007 (voice)
(305) 595-9579 (fax)